

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ARTURO FLORES, CARLOS MARIN,  
PATRICIA CUATE and CARMEN CUBILLAS,  
et al., on behalf of themselves and others similarly  
situated,

Plaintiffs,

v.

KC 53 LLC d/b/a SOCIAL EATZ,  
SCOTT ALLING, ACE WATANASUPARP,  
ROBERT KWAK, RICARDO CAMACHO and  
HENRY AGUILAR,

Defendants.

Case No.: 12 CV 8095

Peck, M.J.

**NOTICE OF PLAINTIFFS’  
UNOPPOSED MOTION FOR  
CERTIFICATION OF THE  
SETTLEMENT CLASS, FINAL  
APPROVAL OF THE CLASS  
ACTION SETTLEMENT, AND  
APPROVAL OF THE FLSA  
SETTLEMENT**

For the reasons set forth in (i) the Memorandum of Law in Support of Plaintiffs’ Unopposed Motion for Certification of the Settlement Class, Final Approval of the Class Action Settlement, and Approval of the FLSA Settlement (“Plaintiffs’ Motion for Final Approval”) and (ii) the Declaration of C. K. Lee in Support of Plaintiffs’ Unopposed Motion for Certification of the Settlement Class, Final Approval of the Class Action Settlement, and Approval of the FLSA Settlement (“Lee Dec.”), and the exhibits attached thereto, Plaintiffs respectfully request that the Court enter an Order:

- (1) certifying the following settlement class under Federal Rule of Civil Procedure 23(a) and (b)(3) for purposes of effectuating the settlement: all non-exempt employees employed by KC 53 LLC d/b/a Social EatZ, Scott Alling, Ace

Watanasuparp, Robert Kwak, Ricardo Camacho and Henry Aguilar from November 7, 2006 to May 1, 2013;

- (2) granting final approval of the Settlement Agreement and Release;
- (3) granting approval of the FLSA Settlement; and
- (4) granting any other relief that the Court deems just and proper.

For the Court's convenience, Plaintiffs have contemporaneously submitted a Proposed Order, attached hereto as **Exhibit A**.

Dated: September 6, 2013

Respectfully submitted,

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Plaintiffs and the Class*